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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

CENTER FOR ENVIRONMENTAL
HEALTH, et al.,

Plaintiffs.

V.

MICHAEL S. REGAN,¹ Administrator of the United States Environmental Protection Agency, and the UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,

Defendants.

Case No. 4:21-cv-01535-PJH

**STIPULATION AND [PROPOSED]
ORDER TO ENLARGE
DEFENDANTS' TIME TO ANSWER
AND CONTINUE CASE
MANAGEMENT CONFERENCE**

Plaintiffs Center for Environmental Health, Cape Fear River Watch, Clean Cape Fear, Democracy Green, The NC Black Alliance, and Toxic Free NC (“Plaintiffs”) and Defendants Michael S. Regan, in his official capacity as the Administrator of the United States Environmental Protection Agency, and the United States Environmental Protection Agency (“Defendants,” and together with Plaintiffs, the “Parties”) stipulate as follows:

WHEREAS, on March 3, 2021, Plaintiffs initiated this action by filing a Complaint for Declaratory and Injunctive Relief, ECF No. 1;

¹ Pursuant to Federal Rule of Civil Procedure 25(d), Michael S. Regan, in his official capacity as the Administrator of the U.S. Environmental Protection Agency, is automatically substituted as a Defendant in place of former Acting Administrator Jane Nishida.

1 WHEREAS, on March 4, 2021, Plaintiffs submitted to Defendants a request to reconsider the
2 agency action for which Plaintiffs seek review in this matter (“Administrative Request for
3 Reconsideration”);

4 WHEREAS, on March 8, 2021, Plaintiffs served the Summons and Complaint on the United
5 States Attorney for the Northern District of California;

6 WHEREAS, pursuant to Rule 12(a)(2), Defendants must serve an answer to the Complaint within
7 60 days after service on the United States attorney, or in this case, May 7, 2021;

8 WHEREAS, the Court’s Order Setting Case Management Conference (“Scheduling Order”) set
9 an initial Case Management Conference on June 17, 2021, at 2:00 p.m., and other associated deadlines,
10 ECF No. 10;

11 WHEREAS, the Parties met and conferred on scheduling on April 20, 2021;

12 WHEREAS, the Parties have agreed to enlarge Defendants’ time to answer or otherwise respond
13 to the Complaint and to request a continuance of the deadlines in the Scheduling Order to allow
14 Defendants additional time to decide whether any reconsideration of the challenged action is necessary
15 in light of the Administrative Request for Reconsideration; and

16 WHEREAS, the Parties have not previously requested any time modifications in this case.

17 **NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and among the
18 Parties:

- 19 1. Defendant shall answer or otherwise respond to the Complaint by July 6, 2021.
20 2. The Case Management Conference shall be continued to August 19, 2021, at 2:00 p.m.,
21 or at such later date that is convenient for the Court.

1 Date: April 22, 2021

Respectfully Submitted,

2 /s/ Robert M. Sussman (with permission)
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15 *Attorneys for Plaintiffs*

16 Date: April 22, 2021

Respectfully Submitted,

17 /s/ Brandon N. Adkins
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27 *Attorneys for Defendants*

28 * * *

29 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

30 DATED:

31 _____
32 PHYLLIS J. HAMILTON
33 United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of April, 2021, a true and correct copy of the foregoing Stipulation and Proposed Order to Enlarge Time to Answer and Continue Case Management Conference was filed electronically with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served on all counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ Brandon N. Adkins

Brandon N. Adkins

United States Department of Justice